
Appeal Decision

Site visit made on 12 December 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2017

Appeal Ref: APP/N5660/W/16/3159016

8 Vauxhall Grove, Lambeth, London SW8 1TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kanley McHayle against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/02403/FUL, dated 15 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is the change of use for part residential use (Class C3) part bed and breakfast use (Class C1) with provision of associated refuse and recycling to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use for part residential use (Class C3) part bed and breakfast use (Class C1) with provision of associated refuse and recycling storage to the front of the property at 8 Vauxhall Grove, London SW8 1TD in accordance with the terms of the application, Ref 16/02403/FUL, dated 15 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. PL/ASB/1 – As Built Floor Plans for Bed and Breakfast, Section and elevation as built, Section and elevation as proposed, Floor plans as proposed.
 - 3) The outdoor amenity areas of the property shall not be made available to or be used by any patron of the bed and breakfast use other than between the hours of 0800 and 2000 hours on any day.

Procedural Matter

2. The original planning application form states the appellants surname as 'McHale'. However other information submitted leads me to conclude that this is incorrect and the surname should be 'McHayle'. I have used this spelling in the heading above.

Main Issues

3. The main issues in this case are:
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- the effect of the development on the stock of family sized houses in the borough;
- the effect of the development on the living conditions of the occupants of neighbouring dwellings with particular regard to noise and disturbance;
- whether the proposed development would preserve or enhance the character or appearance of the Vauxhall Conservation Area;
- the effect of the development on traffic and highway matters in particular servicing, deliveries and the provision for waste storage and collection.

Reasons

Housing Stock

4. The appeal site forms a three storey mid terraced property with a basement level and further accommodation in the roof space. The area is residential in character and the property is located within the Vauxhall Conservation Area.
5. The appeal proposes the change of use of the existing residential dwelling to a mixed use of residential dwelling and bed and breakfast use. I have taken note of the planning history of the property, the previous enforcement action and subsequent appeal decision. I have also had regard to the legal opinion submitted by the appellant which relates to the use of the property, local plan policy interpretation and the enforcement appeal decision at a neighbouring property No. 69 Vauxhall Grove.
6. Policy H1 of the Lambeth Local Plan 2015 seeks to maximise the supply of additional homes in the borough to meet and exceed the annual housing target as set out in the London Plan 2016. Policy 3.14 of the London Plan and Policy H3 of the Local Plan aim to safeguard existing housing from a change of use to non-permanent residential accommodation which includes short term lets or bed and breakfast uses. The proposed mixed use of the property would result in a sui generis use that does not constitute a single dwelling (Class C3 use). A strict application of Policy H3 would lead to the conclusion that the proposed change of use would not be compliant with this policy.
7. The Council recognise in their statement that a more purposive and relaxed approach can be taken where permanent residential accommodation would be retained. This is the approach taken by the Inspector in the 69 Vauxhall Road case. The Council go on to argue however that this approach becomes unworkable when it is applied to more than one residential property. Their view is that this would lead to an erosion of overall housing provision as there would still be an overall loss of permanent residential floor space. This would undermine the Council's efforts to meet its housing figures.
8. The wording of Policy H3 however makes reference to the loss of residential units and not the loss of residential floorspace. The appeal case would not result in the loss of a residential unit, though I accept it would be reduced in size. I appreciate the need to retain family housing in the borough and understand the Council's concern with the regard the overall erosion of housing provision should a number of residential properties be converted to part bed and breakfast use. However I have not been referred to any policies in the Local Plan that specifically address this issue or provide policy guidance in

terms of the loss of floorspace either to an individual property or cumulatively within a defined area.

9. Policy H6 of the Lambeth Local Plan relates to residential conversions and aims to ensure mixed and balance communities with a choice of family sized housing. The Policy goes on to state that in parts of the borough under conversion stress, all dwellings suitable for occupation by families will be protected. The Council advises that Vauxhall Grove is identified as such an area and that the proposed change of use to a sui generis use results in a loss of a family sized home.
10. The appeal property forms a very large family dwelling with eleven rooms that could be used as bedrooms in addition to a dining room and kitchen which would be shared between the proposed uses. The change of use proposes that six of the rooms in the basement, ground and part of the first floor would be used for bed and breakfast accommodation leaving five rooms on the remaining part of the first, second and third floors for the private use of the owner. I observed on my site visit that the rooms on the upper floors proposed to be retained for the owners use are generally the larger rooms in the property. I accept that the proposal would reduce the size of the residential dwelling but it would still provide a home suitable for a large family.
11. The Council have suggested that families would be unlikely to occupy the property. However I have been provided with no evidence to substantiate this. I acknowledge that a mixed use providing bed and breakfast accommodation may not suit all family's needs as many may not wish to operate a commercial use from their home. However I am sure that there would be some families who would wish to take up this opportunity. Whilst this may reduce the potential number of buyers/ occupiers of the property I consider it would still provide a viable family home.
12. I have had regard to the alternative layout plan submitted by the appellant as part of his appeal submission which reduces the number of bed and breakfast rooms to five. I am however satisfied that the proposed six rooms would in this instance be acceptable.
13. In summary I consider that the appeal proposal would not result in the loss of a family sized dwelling in the borough or undermine the Councils objective of safeguarding this type of accommodation to meet the boroughs needs. The proposal would therefore comply with Policies H1, H3 and H6 of the Lambeth Local Plan 2015 which seeks to maximise the supply of housing and retain a choice of family sized dwellings.

Living conditions

14. Policy Q2 of the Lambeth Local Plan aims to protect the amenity of residential occupiers and Policy Q22 seeks to preserve or enhance the character of conservation areas. The area is quiet and residential in character. The Council has suggested that bed and breakfast occupiers may cause noise and disturbance as they arrive and leave the property particularly late in the evening if they have been travelling from a distance or returning from excursions or entertainment venues. It is also suggested that these visitors may not respect the amenity of the occupants of neighbouring properties. However I have been provided with no evidence that this may be the case and I have not been made aware of any complaints with regard the neighbouring

bed and breakfast use at No. 69 Vauxhall Grove. I am also mindful that the appeal property is large and could accommodate a large family where there could be significant comings and goings at all times of the day.

15. The Council has brought my attention to the previous enforcement appeal at the premises where the Inspector concluded that noise nuisance would adversely affect residential amenity. However this related to the use of the whole of the appeal property as bed and breakfast accommodation and furthermore included a functional relationship between No. 8 and No. 69 Vauxhall Grove with visitors from No. 8 using the dining room at No. 69. This is not the case in the current appeal which proposes only part use as bed and breakfast accommodation and no reliance on the facilities in the neighbouring property.
16. Consequently I consider that the appeal proposal would not cause harm to the living conditions of the occupants of neighbouring dwellings and maintain the residential character of the area. The proposal would therefore comply with Policies Q2 and Q22 of the Lambeth Local Plan 2015 which seek to protect the amenity of neighbouring residential occupiers and respect and reinforce the positive characteristics of the area and local distinctiveness.

Character and appearance of the Conservation Area

17. The National Planning Policy Framework (the Framework) in paragraph 131 advises that in determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of a heritage asset. Paragraph 132 states that great weight should be given to the assets conservation.
18. The Council has raised concern with regard to the visual impact of the proposed bin storage area to the front of the property. It is proposed to provide a stepped ramp so that bins can be stored and screened by the existing boundary wall. I noted on my site visit that a similar arrangement is in place at No. 69 Vauxhall Grove. I also observed that many neighbouring properties store bins in the front garden area where they are visible to the road and impact negatively on the character and appearance of the conservation area. I consider that the proposed bin store would not add to the visual clutter of the area or appear obtrusive in the street scene.
19. I am also advised by the appellant that the bin storage area would comply with the Councils Refuse & Recycling Storage Design Guide 2013. This is not disputed by the Council.
20. Accordingly I consider that the proposal would preserve the character and appearance of the Vauxhall Conservation Area and cause no material harm to the significance of the heritage asset. It would accord with Section 12 of the Framework and Policies Q5 or Q22 of the Lambeth Local Plan 2015 which seek to sustain local distinctiveness and conserve or enhance the historic environment.

Traffic and highway impacts

21. The appeal site has a PTAL rating of 6b which is excellent being located close to bus, train and tube connections. The site is also within the Kennington K Controlled Parking Zone. Visitors would not be able to apply for a parking permit however bearing in mind the very accessible location of the site, many

visitors would not require on street parking as they would more than likely be using public transport. I note that there is no policy requirement for cycle provision for a bed and breakfast use of this scale. In addition the appellant has advised that there would be no need for servicing or delivery arrangements to serve the mixed use.

22. The Design and Access Statement which accompanied the original planning application explains how both domestic and commercial waste would be dealt with. Domestic waste would be disposed of in the normal way by the Council's kerbside collection. Commercial waste from the bed and breakfast use would be sorted and stored as per the domestic arrangement. The disposal of oil and fat would be dealt with separately. It is not envisaged that there would be significant increase in waste generated from the premises as a result of the mixed use. The appellant advises that this arrangement is the same as that in place and approved by the Council at No 69 Vauxhall Grove.
23. I consider that the waste management proposals outlined above are adequate for the proposed development. They would comply with Policies T6, T8 and Q12 of the Lambeth Local Plan which aim to ensure that new development does not have an unacceptable transport impact, has appropriate servicing provision and adequate refuse and recycling storage.

Conditions

24. I have had regard to the conditions suggested by the Council in light of the Planning Practice Guidance and the Framework. In addition to the standard timeframe condition I consider it necessary to require the development to be carried out in accordance with the submitted plans for the avoidance of doubt and in the interest of proper planning. I also consider it necessary to restrict the hours at which visitors to the property may use outdoor amenity space in order to protect the amenity of the occupants of neighbouring properties.
25. The Council has requested a condition seeking details of waste and recycling storage and management at the premises. As I am satisfied with the information already submitted I do not consider this to be necessary. Similarly I consider that a condition regarding the management of waste, servicing and deliveries is also not required in light of the information already submitted by the appellant.

Conclusion

26. I have found that the appeal proposal would not cause harm to the housing mix in the borough as a family sized dwelling would not be lost. It would not cause harm to the living conditions of the occupants of neighbouring dwellings and it would preserve the character and appearance of the Conservation Area. Furthermore the development would provide suitable provision for waste storage and management.
27. For the reasons given above and having regard to all other matters raised I consider the appeal should succeed.

Helen Hockenhull

INSPECTOR